IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 31 OF 2005

MR.LUIS MANUEL NORONHA DA SILVA,BENAULIM,SALCETTE GOA. ....Petitioner

Versus

M/S GLOBE TROTTERS INTERNATIONAL THROUGH ITS PROPRIETOR SHRI RAVEEN KUMAR TANGRI AND ANR., ...Respondents

Ms. H. Fernandes, Advocate for the Petitioner.

Coram:- N. A. BRITTO, J.

Date:- 21st September, 2005

P.C.:

Heard Ms. Fernandes, the learned Advocate on behalf of the Petitioner, who is accused No.3 in C.C. No. 191/OA/2001/B pending before the learned J.M.F.C., Panaji in which process has been issued against him along with others under Section 138 of the Negotiable Instruments Act, 1881. The grievance of the petitioner/accused No.3 is that there are no statements or allegations made in the complaint on the basis of which the learned J.M.F.C. could have issued process against him. The learned Advocate Ms. Fernandes submits that the petition invoking extraordinary jurisdiction of this Court under Section 482 of Cr.P.C., 1973 is maintainable. It is well settled that an order issuing process against an accused is also revisable and in case ordinary remedy of revision is available, there is no reason why the extraordinary remedy of invoking Section 482 of the Code should be resorted to. The question is not of this Court not having jurisdiction to entertain such a petition, but one of self imposed limitation.

In the light of what has been stated in the case of Dr. Mohan Bhave v.

M/s Travel Force (Judgment of this Court dated 6.4.05 in Cr.M.A. No.52/05) this petition assailing an order issuing process to the petitioner/accused No.3 shall be returned to the petitioner to be presented before the Sessions Court, Panaji and in case the same is presented within a period of fifteen days, after the same is returned to the petitioner, the learned Sessions Judge is directed to register the same as a revision application against the order of issuing process against the accused and dispose of the same as expeditiously as possible and in accordance with law.

With the above observations, the petition is disposed of.

N. A. BRITTO, J.

sl.